

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|                       |   |                    |
|-----------------------|---|--------------------|
| PETER JAMES BRUSH,    | ) |                    |
|                       | ) |                    |
| Plaintiff,            | ) |                    |
| vs.                   | ) | NO. CIV-04-0491-HE |
|                       | ) |                    |
| MIKE BURGESS, ET AL., | ) |                    |
|                       | ) |                    |
| Defendants.           | ) |                    |

**ORDER**


This case is before the Court on the Report and Recommendation of Magistrate Judge Bana Roberts. Plaintiff, a state prisoner appearing *pro se*, brings this action pursuant to 42 U.S.C. § 1983. Consistent with 28 U.S.C. § 636(b)(1)(B), the matter was referred to Judge Roberts for review. On April 14, 2005, Judge Roberts issued her Report and Recommendation, recommending that plaintiff's request for injunctive relief be denied as moot and that summary judgment be granted in favor of defendants on plaintiff's remaining claims.

Plaintiff has not filed an objection to the Report and Recommendation. Therefore, further review of the issues contained therein is waived. United States v. One Parcel of Real Prop., 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(c); LCvR72.1(a). For this reason, and for the reasons contained in the Report and Recommendation, the Court concludes plaintiff's request for injunctive relief should be denied as moot and that summary judgment should be granted in favor of defendants on plaintiff's remaining claims.

Accordingly, the Report and Recommendation is **ADOPTED** in its entirety. Plaintiff's request for injunctive relief is **DENIED AS MOOT** and summary judgment is **GRANTED** in favor of defendants on plaintiff's remaining claims.

**IT IS SO ORDERED.**

Dated this 24<sup>th</sup> day of June, 2005.



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JOE HEATON  
UNITED STATES DISTRICT JUDGE